



**PATENT**  
Docket No. 2207/6926

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT : PUTZOLU, David M.  
SERIAL NO. : 09/417,527  
FILED : October 13, 1999  
FOR : METHOD AND SYSTEM FOR DYNAMIC  
APPLICATION LAYER GATEWAYS  
GROUP ART UNIT : 2731  
EXAMINER : Unassigned

Attention: Office of Petitions  
Commissioner of Patents and Trademarks  
Washington D.C. 20231

**RECEIVED**  
MAY 17 2000  
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DEPUTY A/C PATENTS

**DECLARATION OF SHAWN W. O'DOWD IN SUPPORT OF PETITION  
TO OBTAIN A FILING DATE FOR AN APPLICATION AND TO ACCEPT THE  
PRESENT PETITION AS TIMELY FILED**

I, Shawn W. O'Dowd, declare as follows:

1. I am a registered Patent Attorney and an associate with the law firm of Kenyon & Kenyon in its San Jose, California Office.
2. Our records indicate that on October 13, 1999, documents for a patent application were submitted to the Patent Office by Express Mail. Those documents were to include 30 sheets of specification for an application entitled "Method and System for Dynamic Application Layer Gateways"; nine sheets of drawings, a signed declaration, a patent application transmittal letter; an Express Mail Certificate; and a postcard indicating that these documents and others were being submitted in an Express Mail Envelope (No. EL37208529US).

3. On or about March 24, 2000, I received a Notice of Incomplete Application from the Patent Office indicating that the application as filed was incomplete. This notice was dated March 1, 2000. The Patent Office's position was that the drawing figures (1 through 9 on nine sheets) had not been submitted with the application.

4. It has been the practice of the Kenyon & Kenyon San Jose Office in handling applications for Intel Corporation, that all correspondence is to be transmitted to John C. Altmiller in Kenyon & Kenyon's Washington, D.C. Office and that all postcards submitted with patent applications be pre-stamped and addressed to that office.

5. Upon receiving the Notice of Incomplete Application, I asked my secretary to obtain the file and locate the postcard that should have been mailed by the Patent Office when the patent application was received there. Since the postcard had not yet been placed with the application file, my secretary contacted the docket department in the Kenyon & Kenyon Washington, D.C. Office.

6. Because the Patent Office had taken the position that the drawings were not submitted with the original application, my secretary sent a letter to the inventor for this application asking him to sign a new declaration for the application.

7. I left the San Jose Office to work in the Washington D.C. Office of Kenyon & Kenyon on April 19, 2000. I was away from the San Jose Office from April 19, 2000 through May 2, 2000.

8. A notice from docketing that a petition was due on May 1, 2000 to be filed in response to the Notice of Incomplete Application was sent to my attention in the San Jose Office of Kenyon & Kenyon after April 19, 2000.

9. By May 1, 2000, the postcard had not been located and the inventor had not yet responded to our request for a new, signed declaration.

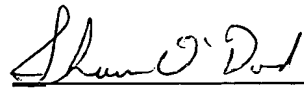
10. When I returned to the San Jose Office on May 3, 2000, I received, for the first time, the notice from docketing that a response to the Notice of Incomplete Application was due on May 1, 2000. I immediately confirmed that the postcard was not located in the Washington, D.C. Office of Kenyon & Kenyon. I refiled the application on May 4, 2000 (without a signed declaration) to preserve as early a filing date as possible for the application.

11. The failure to file a petition by May 1, 2000 was not intentional.

12. On May 5, 2000, I asked my secretary to check with the docketing department in Kenyon & Kenyon's New York Office for the postcard. The postcard was located at that time and I received it on May 8, 2000. The postcard indicates that the drawings were not submitted with the patent application on October 13, 1999.

I hereby declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: May 11, 2000

  
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Shawn W. O'Dowd